February 23, 2017

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ***Amendment to Part 2 of the Commission's Rules for Federal Earth Stations Communicating with Non-Federal Fixed Satellite Service Space Stations et. al.*****, ET Docket No. 13-115, and RM-11341;**
2016 Biennial Review of Telecommunications Regulations**, IB Docket No. 16-131;**
Spectrum Bands Above 24 GHz et. al.**, GN Docket No. 14-177, IB Docket No. 15-256, WT Docket No. 10-112, and IB Docket No. 97-95; and**
Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed Satellite Service Systems and Related Matters**, IB Docket No. 16-408**

Dear Ms. Dortch:

On February 22, 2017, EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively "EchoStar") met with Rachael Bender, acting Wireless Advisor to Chairman Pai, to discuss EchoStar's proposals in the above-referenced proceedings. EchoStar was represented by Jennifer A. Manner, Senior Vice President, Regulatory Affairs, and Jodi Goldberg, Associate Corporate Counsel, Regulatory Affairs. EchoStar provided Ms. Bender with the attached talking points.

In the meeting the parties first discussed EchoStar's filings in the first three of the above listed proceedings. EchoStar raised its concerns, as outlined in the attached talking points, with respect to the procedural aspects of Federal use of commercial FSS spectrum on a co-primary basis, which is being deliberated on in the Federal Earth Stations proceeding (ET Docket No. 13-115).

In addition, EchoStar discussed, as outlined in the attached talking points, its position the Biennial Review proceeding (IB Docket No. 16-131) and the need for some potential rule changes.

EchoStar further discussed its primary concern in the NGSO proceeding (IB Docket No. 16-408). EchoStar explained that, with the notable exception of the United States, NGSO FSS systems are required under ITU rules to coordinate and share co-primary use of the 18.8-19.3 GHz and 28.6-29.1 GHz bands with GSO FSS operations. Thus, the Commission should grant co-primary status to GSO FSS operations in the 18.8-19.3 GHz and 28.6-29.1 GHz bands to ensure that spectrum sharing and coordination with NGSO FSS systems can occur universally in accordance with ITU rules and date priorities.

Pursuant to the Commission's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record. Please contact me should you have any questions.

Respectfully submitted,

/s/ Jodi Goldberg

Jodi Goldberg
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Attachments

cc: Rachael Bender

Providing Government Earth Stations with Co-Primary Status to Non-Government Earth Stations in the FSS Bands Must Occur on a Fair and Transparent Basis to Ensure Full and Efficient Access to All Users

ET Docket No 13-115, RM 11341

February 2017

- EchoStar Satellite Operating Corporation and Hughes Network Systems LLC (collectively, EchoStar) supports the FCC's proposal to provide government earth stations with co-primary status in portions of the C, Ku and Ka bands provided the rules adopted ensure there is regulatory parity in the treatment of government and non-government earth stations that communicate with non-federal space stations, regardless of whether they are licensed through the FCC or NTIA.

- NTIA has agreed that government earth station operations in commercial FSS bands should be enabled "without imposing additional burdens on non-federal entities that operate in the bands"[1] and must be:

  > "[I]n compliance with the FCC's Part 25 rules" and "should not add any complexity or delay to the licensing of non-federal stations."[2]

- For the proposed regime to be effective and fair to commercial operators, the FCC must adopt a regime that is transparent including incorporating the Part 25 requirements into the NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management. The record supports subjecting federal earth station operations to the same licensing, coordination, interference protection, technical, and *ex parte* communications requirements applicable to non-federal earth stations.[3]

- Of equal importance, federal earth station use should not impose additional burdens on non-federal commercial licensees. Accordingly, commercial licensees should not be subject to NTIA coordination requirements. Rather, federal earth stations operators should have the same obligation to monitor FCC public notices and provide comment on applications that could impact their operations, as commercial licensees do.

- Finally, the FCC should retain sole jurisdiction over any enforcement actions arising out of federal earth station use of non-federal spectrum.

- Increased use of the spectrum resource improves spectrum efficiency; but only where no one use unfairly benefits at the expense of another. Accordingly, EchoStar supports co-primary use of commercial FSS spectrum by government earth station users, so long as there is true regulatory parity among classes of operators. Anything less would result in preferential treatment of one class of applicants over another, with no public interest served.

[1] Letter from Lawrence E. Strickling, NTIA, to Tom Wheeler, FCC, ET Dkt. No. 13-115, at 1 (Sept. 3, 2016) ("*Ex Parte*").
[2] *Id.* at 2-3.
[3] EchoStar Comments, ET Docket 13-115, at 3-6 (Aug. 30, 2013).

INCREASING REGULATORY CERTAINTY FOR SATELLITE OPERATIONS
THE BIENNIAL REVIEW OF TELECOMMUNICATIONS REGULATIONS (IB DOCKET NO. 16-131)

- EchoStar[4] is the largest U.S.-based commercial geostationary orbit satellite operator with a fleet of 25 satellites currently in orbit. EchoStar's diverse fleet provides broadband, other fixed, mobile and DTH services throughout the United States and internationally. HughesNet, is the largest satellite broadband network in the United States providing service to over one million customers throughout North America and today operates the largest capacity satellite. With Hughes' launch in December of EchoStar XIX, Hughes can offer high speed broadband satellites across the continental United States including into parts of Alaska. In addition, EchoStar's fleet is utilized by the DISH Network to provide DTH service to millions of U.S. homes.

- As satellites continue to increase in importance in providing critical communications services across the United States including for public safety and disaster response, 5G, the internet of things and machine to machine, among other services, it is important that operators have regulatory certainty and flexibility to deploy their networks as needed to meet consumer and government needs. The FCC should offer regulatory certainty and flexibility comparable to that afforded by other administrations, and should strive to make the United States a more attractive administration for licensing and regulating satellite operations.

- The Biennial Review provides the FCC with the opportunity to enable satellite operators to meet consumer demand for new and innovative services on a cost-effective, timely basis. Specifically, the FCC should take this opportunity to streamline its Part 25 licensing rules so that an applicant has the option to receive umbrella authority to operate its network of satellites, gateway earth stations, and user terminals. Further the FCC should enable satellite operators to relocate U.S.-licensed satellites, subject to certain conditions, on a pro forma basis.

- When the Commission began streamlining the Part 25 Rules, Commissioner Pai hoped that the revised rules would make the United States the most desirable country in the world for licensing and operating satellites. Commissioner O'Rielly sought streamlined Part 25 rules that would be more closely aligned with those of other administrations. He believed that such changes would provide U.S. companies with greater incentives to approach the Commission to acquire satellite allotments from the International Telecommunication Union.

[4] EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, "EchoStar").

Creation of a Unified Space Station and Earth Station Authorization Process

- Adoption of a unified authorization process for space stations and earth stations would eliminate the current two-step process for such licenses and be consistent with FCC licensing for terrestrial wireless operations whereby a comprehensive licensing approach is in place.

- This could be best accomplished by permitting a space station applicant a unified, streamlined process to apply for and receive associated earth station authority.

Creation of a Pro Forma Approach for the Relocation of U.S-authorized satellites to non-U.S. Orbital Locations

- Today the FCC routinely grants operators the authority to relocate their satellites upon a finding of no public interest factors being adversely affected. However, this review process is often quite protracted and limits the ability of operators to respond quickly to market demands.

- Further, the Commission currently permits operators to relocate satellites between U.S.-authorized orbital locations assigned to the licensee on 30 days' notice.
- The Commission should take this opportunity to streamline the Part 25 rules that govern U.S.-authorized satellite operations to ensure that the operators under its regime continue to have the flexibility needed to lead the industry as innovators and service providers throughout the United States.